IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4888 of 2006
Date of decision: 24.9.2007

Amrik Singh Mahal etc. **...Petitioners**

Versus

Sucha Singh etc. **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Satinder Khanna, Advocate for the petitioners.

Mr. R.S.Sihota, Senior Advocate with
Mr. H.P.S. Ishati, Advocate for respondents No. 1 and 3.

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RAJESH BINDAL, J.

The petitioners/plaintiffs filed the present petition challenging the orders passed by both the Courts below in a suit filed by them for declaration to the effect that they are owner in possession in equal share in respect of the disputed house. While deciding the application for interim relief, both the Courts below found that petitioners/plaintiffs are not entitled to the temporary injunction prayed for.

2. The dispute in the present case pertained to a house, which is claimed to be ancestral property. In the earlier litigation, which is subject matter of Regular Second Appeal No.2121 of 2004, pending before this Court, it has been found that the Karnail Singh is in possession of the property. In the above Regular Second Appeal, which pertains to the same property, the present petitioners are not party as in that case other brother of the father of the petitioners claimed himself to be the owner of the property. As to who is the real owner of the property, the issues are still required to be gone into. However, to avoid any controversy, while modifying the order passed by the Courts below on interim injunction, it is directed that parties to the litigation shall maintain status quo regarding the possession and existence of the property in dispute.

3. The revision petition is disposed of in the manner indicated above.

September 24, 2007 **(Rajesh Bindal)**
Pka **Judge**